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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 JOHN LITTLE,) CASE NO. C07-1341-BHS-MAT
09 Plaintiff,)
10 v.) ORDER DENYING PLAINTIFF'S
11 PAT PENDRY, et al.,) MOTION FOR LEAVE TO OBJECT
12 Defendants.)
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14 Plaintiff proceeds *pro se* and *in forma pauperis* in this 42 U.S.C. § 1983 action brought
15 against employees of Snohomish County Jail. He seeks leave to object to a Report and
16 Recommendation issued by the undersigned recommending denial of a motion for a preliminary
17 injunction and to appeal the Order adopting that Report and Recommendation. (Dkt. 47.) For
18 the reasons described below, the Court finds no basis for granting plaintiff's requests.

19 In his motion for a preliminary injunction, plaintiff sought the cessation of retaliatory acts
20 impeding his access to the courts and his right to file grievances, and asserting the denial of
21 medication. (Dkt. 14.) The Court issued its Report and Recommendation on October 31, 2007,
22 recommending denial based on the fact that plaintiff had been released from jail and was no longer

01 in contact with the defendants named in this lawsuit. (Dkt. 26.) The Report and Recommendation
02 was returned as undeliverable. (*See* Dkts. 28-31.) The Court adopted the Report and
03 Recommendation by Order dated November 26, 2007. (Dkt. 32.) On November 28, 2007, the
04 Court received a letter from plaintiff requesting an update on the status of his case and providing
05 a return address for the Snohomish County Jail. (Dkt. 33.) On December 3, 2007, the Order
06 adopting the Report and Recommendation was returned as undeliverable, with an indication that
07 plaintiff had been released. (Dkt. 34.) The Court received a notice of change of address from
08 plaintiff on January 4, 2008, reflecting that he was back in custody. (Dkt. 37.)

09 Plaintiff now seeks leave to object to the Report and Recommendation and to appeal the
10 Order denying his motion for a preliminary injunction. Plaintiff asserts that he was never served
11 with either document. He states that he was released on October 19, 2007, re-arrested November
12 13, 2007, and re-released on November 30, 2007. Plaintiff further states that, due to his indigent
13 status and mental illness, he was unable to obtain an address or otherwise communicate with the
14 Court following his release. Plaintiff argues that he should not be denied the opportunity to object
15 due to his homelessness, indigent status, and mental illness. He also asserts that he was in jail at
16 the time the Order was delivered and returned as undeliverable and that he wrote letters to the
17 Court indicating his return address.

18 However, none of plaintiff's contentions warrant granting him an opportunity to belatedly
19 object to the Report and Recommendation or appeal the Order denying his motion for a
20 preliminary injunction. Pursuant to Local Civil Rule 41(b)(2), plaintiff is required to keep the
21 Court and opposing parties advised as to his current address. Here, the Court did not receive
22 notice from plaintiff as to a change of address until January 4, 2008, well after the Court issued

01 its Report and Recommendation and the Order denying his motion for a preliminary injunction,
02 and the return of both of those documents to the Court as undeliverable. Moreover, the fact
03 remains that, at the time his motion for a preliminary injunction was ripe for review, plaintiff had
04 been released from custody, rendering his injunctive relief claims moot. *See Preiser v. Newkirk*,
05 422 U.S. 395, 402-03 (1975); *Dilley v. Gunn*, 64 F.3d 1365, 1368 (9th Cir. 1995). *See also*
06 *McQuillion v. Schwarzenegger*, 369 F.3d 1091, 1095 (9th Cir. 2004) (prisoner's release
07 "extinguishes his legal interest in an injunction because it would have no effect on him.") While
08 plaintiff was apparently briefly re-incarcerated in November 2007 and sent a letter containing a
09 Snohomish County Jail return address following the issuance of the Report and Recommendation,
10 he had been re-released – once again rendering his claims moot – by the time the Order adopting
11 the Report and Recommendation arrived at the jail. (*See* Dkt. 34.) Accordingly, while plaintiff
12 may seek to again pursue preliminary injunctive relief, he may not now challenge the Court's
13 previous ruling.

14 For the reasons described above, plaintiff's motion for leave to object and appeal (Dkt. 47)
15 is DENIED. The Clerk shall send a copy of this Order to plaintiff, to counsel for defendants, and
16 to the Honorable Benjamin H. Settle.

17 DATED this 18th day of March, 2008.

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20 Mary Alice Theiler
21 United States Magistrate Judge
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